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7
 8 Attorney for Plaintiff
 9 TRICOR AMERICA, INC.
 10

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 TRICOR AMERICA, INC., a California
 14 corporation,

15 Plaintiffs,

16 vs.

17 DHL CANADA EXPRESS, LTD. a Canadian
 18 corporation; LOOMIS CANADA HOLDING
 19 COMPANY, INC., a Canadian corporation; and
 20 DOES 1 though 25, inclusive.

21 Defendants.

22 Case No.: C07 4949 CRB

23 DECLARATION OF ANDY SUN
 24 IN SUPPORT MOTION FOR
 25 SUMMARY JUDGMENT AND IN
 26 THE ALTERNATIVE MOTION
 27 FOR SUMMARY
 28 ADJUDICATION;
 29 MEMORANDUM OF POINTS
 30 AND AUTHORITIES IN SUPPORT
 31 THEREOF

32 Date: June 27, 2008
 33 Time: 10:00 a.m.
 34 Courtroom: 9

35 *[Declarations of Laura Each
 36 Nguyen, Rick Cruz, Scott Tanaka,
 37 and John Marticio; Notice of Motion
 38 and Motion for Summary Judgment;
 39 Statement of Uncontested Facts
 40 and Conclusions of Law filed
 41 concurrently herewith]*

1
2 I, Andy Sun, hereby declare as follows:

3 1. I am a citizen of the United States and am over eighteen years of age
4 and I could and would testify as to the following matters of my own personal
5 knowledge.

6 2. I am an employee of Tricor America and my job title is Accounts
7 Receivable Manager. My job responsibilities include collecting on past due
8 accounts and resolving disputes surrounding outstanding accounts.

9 3. In July 2006, Defendants sent a notice of rate increase to Tricor's
10 Seattle office. This notice of rate increase increased rates drastically. A true and
11 correct copy of the notice of rate increase is attached as Exhibit "A."

12 4. After cancelling its work with Defendants, Tricor sent Defendants a
13 notice of rate increase for the work Tricor performed for Defendants. The notice
14 was delivered with the October 2006 invoice and the October 2006 invoice was
15 paid in its entirety.

16 5. In November 2006, Tricor terminated all services performed by
17 Defendants on behalf of Tricor and contracted with another courier company to
18 perform its work in Canada.

19 6. In January 2007, Tricor billed Defendants pursuant to the new rate
20 structure.

21 7. In or about January 2007, I contacted Defendants to determine when
22 Tricor could expect to receive payment. I further advised Defendants that should
23 Tricor not receive payment forthwith it would terminate service. I was assured that
24 payment would be forthcoming. True and correct copies of my email messages are
25 attached as Exhibit "B."

26 8. In or about March 19, 2007, Tricor received payment for the firsty
27 invoice issued at the new rates, however the payment was made in Canadian
28 currency instead of United States dollars.

1 9. In or about March 26, 2007, Tricor received payment in full for
2 second invoice issued at the new rates.

3 10. On March 21, 2007, Andy Sun contacted Defendants and advised
4 them that they had failed to pay the entire invoice for December 2006 and insisted
5 on payment of the remaining amount. A true and correct copy of the email from
6 Andy Sun to DHL is attached as Exhibit "C."

7 11. In early April 2007, Defendants questioned the new rates and
8 expressed concern that the new rates were significantly higher than the prior rates.

9 12. Defendants continued to use Tricor's services until May 11, 2007,
10 when Defendants terminated Tricor's services for Defendants.

11 13. Defendants failed to make any further payments to Tricor after March
12 26, 2007.

13 14. When Tricor America, Inc. did not receive payment for the work
14 performed, Tricor filed suit.

15 15. After Tricor filed suit, on December 17, 2008, Defendants filed a
16 counter-claim which included causes of action for Breach of Contract, Quantum
17 Meruit, and Restitution.

18 16. The Counter-Claim sought damages for services provided between
19 June 2006 and January 2007.

20 17. Tricor did not request any service from Defendants after November
21 2006.

22 I hereby declare under penalty of perjury that the foregoing is true and
23 correct.

24 Executed this 16th day of May 2008.

25
26
27 
28 ANDY SUN

EXHIBIT A



DHL Express
5499 Regent Street
Burnaby, B.C.
V5C 6C8

B6PA18R00003

Monday, July 17, 2006

Tricor America
2355 - 200 Street South
Seattle, Washington
Canada 98198

Domestic Acct(s): ER6692

International Acct(s): 976382807

Import Account(s):

DHL Shipper

DHL Canada takes pride in offering customers world-class service at a competitive price. With your current rates expiring the enclosed rate structure will take effect the week of **July 24th 2006**.

Please refer to www.dhl.com and our *Points Guide* for our latest *beyond and interline charges* based on postal code. For first time users of our *Import Express* service an account activation request from the customer is required prior to shipping.

DHL Canada greatly values your business and appreciates the opportunity to continue serving you. Should you have any questions, or wish to discuss increasing your present shipping volumes with DHL please contact your Account Executive as indicated below.

Regards,

A handwritten signature in black ink, appearing to read "Bill Mason".

Bill Mason
Inside Account Executive
DHL Express Canada Ltd.
p:604-606-4528
Bill.Mason@dhl.com
www.dhl.com

US & INTERNATIONAL EXPRESS RATES

FROM: CANADA

TO:	ENV.		PARCEL/DOCUMENT	
	0 lbs - .9 lbs	1 lbs - 2 lbs	2.1 lbs + (per lb)	
021	\$ 23.66	\$ 31.06	\$ 3.07	
022	\$ 41.95	\$ 64.53	\$ 6.25	
041	\$ 39.09	\$ 58.55	\$ 5.72	
042	\$ 73.99	\$ 90.68	\$ 11.34	
051	\$ 41.69	\$ 66.50	\$ 6.88	
062	\$ 57.30	\$ 94.34	\$ 11.25	
071	\$ 39.01	\$ 69.62	\$ 9.73	
081	\$ 39.01	\$ 77.65	\$ 8.35	
092	\$ 57.30	\$ 99.78	\$ 11.25	
093	\$ 73.90	\$ 101.03	\$ 11.34	



110102326-3-1002B28914

DHL International Services

© 2007 DHL International Services

See below for International Outbound rates. On the back cover, find the country you are shipping to and its corresponding rate zone. Then match the rate zone to the corresponding field on this page.

Georgia	E
Germany	C
Ghana	M

	EUROPE	
C	D	E
\$27.30	\$34.50	\$70.76
\$40.32	\$43.24	\$64.11
\$47.04	\$52.41	\$101.46

U.S. INTERNATIONAL OUTBOUND RATES

ZONE	CANADA		MEXICO		EUROPE					ASIA					CARIBBEAN, CENTRAL & SOUTH AMERICA			MIDDLE EAST		AFRICA	
	A	B	C	D	E	F	G	H1	H2	I	J	K	L	M							
DOCUMENT RATES																					
Rates (lbs.)																					
0.5	\$21.50	\$26.00	\$32.50	\$37.50	\$79.50	\$92.80	\$36.50	\$37.00	\$38.50	\$51.00	\$32.50	\$48.00	\$40.50	\$81.00							
1	\$36.00	\$41.00	\$48.00	\$47.00	\$94.50	\$48.50	\$52.00	\$47.50	\$35.00	\$46.50	\$47.50	\$42.50	\$38.00	\$36.50							
2	\$13.00	\$15.50	\$15.00	\$15.00	\$114.00	\$114.00	\$56.00	\$60.50	\$55.00	\$64.00	\$84.00	\$55.00	\$78.50	\$66.50	\$115.50						
3	\$49.50	\$56.00	\$60.50	\$57.00	\$135.00	\$46.50	\$70.00	\$63.50	\$73.50	\$101.50	\$62.50	\$95.00	\$75.50	\$136.50							
4	\$53.00	\$61.00	\$75.50	\$86.50	\$133.00	\$75.50	\$78.00	\$74.50	\$82.50	\$119.50	\$70.50	\$112.00	\$85.50	\$155.00							
5	\$90.00	\$98.50	\$81.50	\$95.50	\$171.00	\$84.50	\$87.00	\$83.00	\$91.00	\$137.00	\$70.50	\$128.00	\$93.00	\$173.00							

* For document rates over 5 pounds, please see the package rates section below.

PACKAGE RATES	Rates (lbs.)																				
	U.S. INTERNATIONAL OUTBOUND RATES																				
1	\$40.00	\$42.00	\$49.00	\$50.00	\$115.00	\$49.50	\$53.00	\$48.50	\$56.00	\$67.50	\$48.50	\$63.50	\$59.00	\$68.50							
2	\$44.00	\$46.50	\$57.00	\$70.00	\$115.00	\$57.00	\$61.50	\$56.00	\$65.00	\$85.00	\$56.00	\$79.50	\$67.50	\$117.50							
3	\$50.50	\$57.00	\$67.50	\$79.50	\$136.00	\$67.50	\$71.00	\$66.50	\$74.50	\$102.50	\$63.50	\$96.00	\$76.50	\$138.50							
4	\$55.00	\$62.00	\$76.50	\$87.00	\$151.00	\$76.50	\$79.00	\$75.50	\$83.50	\$120.50	\$71.50	\$113.00	\$86.50	\$157.00							
5	\$58.00	\$69.50	\$83.50	\$96.00	\$172.00	\$88.50	\$94.00	\$92.00	\$108.00	\$138.00	\$88.50	\$129.00	\$96.00	\$175.00							
10	\$68.00	\$75.50	\$111.50	\$120.50	\$243.00	\$111.50	\$129.00	\$109.50	\$137.00	\$219.50	\$109.50	\$206.00	\$141.50	\$247.50							
20	\$99.50	\$131.50	\$159.50	\$180.00	\$388.00	\$159.00	\$201.50	\$156.50	\$212.00	\$352.50	\$165.00	\$330.50	\$220.50	\$393.50							
30	\$129.00	\$160.00	\$203.00	\$211.50	\$520.00	\$203.00	\$265.50	\$200.00	\$279.00	\$545.50	\$216.00	\$428.00	\$290.00	\$530.00							
40	\$154.00	\$185.00	\$247.00	\$251.50	\$568.50	\$247.00	\$328.00	\$243.00	\$253.50	\$523.00	\$241.50	\$513.50	\$357.00	\$651.00							
50	\$176.50	\$211.50	\$288.00	\$342.00	\$739.00	\$288.00	\$391.00	\$283.50	\$411.00	\$597.50	\$311.00	\$597.50	\$425.00	\$753.50							
60	\$197.50	\$234.00	\$333.00	\$398.50	\$840.00	\$333.00	\$452.50	\$328.00	\$475.50	\$728.00	\$361.50	\$682.50	\$494.50	\$856.50							
70	\$214.50	\$254.50	\$378.00	\$450.50	\$940.50	\$378.00	\$511.50	\$372.50	\$537.50	\$861.50	\$391.50	\$809.50	\$562.50	\$959.00							
80	\$228.50	\$275.00	\$423.50	\$502.50	\$1,041.00	\$423.50	\$569.00	\$417.00	\$596.00	\$994.50	\$412.50	\$946.00	\$562.50	\$1,067.50							
90	\$246.00	\$287.00	\$456.00	\$551.50	\$1,142.00	\$456.00	\$611.00	\$449.00	\$637.00	\$1,061.00	\$496.00	\$989.00	\$570.00	\$1,164.00							
100	\$257.50	\$295.50	\$495.00	\$592.00	\$1,241.50	\$484.00	\$660.00	\$486.50	\$693.00	\$1,002.00	\$539.50	\$939.00	\$579.00	\$1,265.50							
110	\$263.50	\$322.50	\$552.00	\$651.00	\$1,365.50	\$552.50	\$722.50	\$535.00	\$779.50	\$1,102.00	\$597.50	\$1,033.00	\$633.50	\$1,392.00							
120	\$309.00	\$351.00	\$591.00	\$711.00	\$1,489.50	\$593.00	\$768.00	\$561.00	\$850.00	\$1,202.00	\$651.50	\$1,127.00	\$699.50	\$1,514.50							
130	\$343.50	\$387.00	\$650.00	\$769.50	\$1,673.50	\$642.00	\$867.00	\$632.50	\$921.00	\$1,302.00	\$720.50	\$1,233.50	\$899.50	\$1,645.00							
140	\$370.00	\$416.50	\$700.00	\$828.50	\$1,796.00	\$691.50	\$934.00	\$681.00	\$992.00	\$1,402.00	\$776.00	\$1,328.00	\$917.50	\$1,771.50							
150	\$396.50	\$446.50	\$750.00	\$887.50	\$1,862.00	\$741.00	\$1,004.50	\$737.00	\$1,062.50	\$1,502.50	\$831.00	\$1,423.00	\$1,153.00	\$1,898.00							
RATE PER POUND																					
**151+ RATE PER POUND																					

** For shipments greater than 150 lbs., calculate the rate by multiplying the total weight by the rate per pound.

ZONE	CANADA		MEXICO		EUROPE					ASIA					CARIBBEAN, CENTRAL & SOUTH AMERICA			MIDDLE EAST		AFRICA	
	A	B	C	D	E	F	G	H1	H2	I	J	K	L	M							
DOCUMENT RATES																					
Rates (lbs.)																					
0.5	\$38.00	\$43.50	\$50.50	\$53.00	\$101.50	\$51.00	\$55.00	\$50.00	\$58.00	\$52.50	\$52.50	\$56.00	\$54.00	\$58.00	\$52.50	\$56.00	\$54.00	\$58.00	\$52.50	\$56.00	\$54.00
1.0	\$45.50	\$58.00	\$59.00	\$61.00	\$126.00	\$59.00	\$64.00	\$58.00	\$67.50	\$59.00	\$61.00	\$58.50	\$57.50	\$63.50	\$59.00	\$61.00	\$58.50	\$63.50	\$57.50	\$63.50	\$57.50
1.5	\$52.50	\$59.00	\$70.00	\$87.00	\$149.00	\$70.00	\$74.00	\$69.00	\$77.50	\$72.00	\$69.00	\$74.00	\$71.00	\$77.50	\$72.00	\$69.00	\$74.00	\$71.00	\$77.50	\$72.00	\$77.50
2.0	\$56.00	\$64.50	\$78.50	\$95.50	\$166.50	\$79.50	\$82.00	\$78.50	\$97.50	\$82.00	\$80.00	\$81.50	\$80.00	\$86.00	\$82.00	\$80.00	\$81.50	\$80.00	\$86.00	\$82.00	\$86.00
2.5	\$59.00	\$72.00	\$89.00	\$105.50	\$188.50	\$89.00	\$95.50	\$89.00	\$99.00	\$92.50	\$95.50	\$97.50	\$97.50	\$103.50	\$99.00	\$97.50	\$103.50	\$99.00	\$103.50	\$97.50	\$103.50
3.0	\$64.00	\$86.00	\$100.00	\$123.00	\$219.00	\$99.50	\$110.00	\$98.00	\$115.50	\$105.50	\$104.50	\$125.00	\$104.50	\$134.00	\$105.50	\$104.50	\$125.00	\$105.50	\$134.00	\$105.50	\$134.00
3.5	\$66.50	\$91.00	\$106.50	\$120.00	\$239.50	\$106.50	\$118.50	\$106.50	\$125.50	\$112.00	\$115.50	\$125.50	\$115.50	\$130.50	\$115.50	\$115.50	\$125.50	\$115.50	\$130.50	\$115.50	\$130.50
4.0	\$69.00	\$98.00	\$112.00	\$137.50	\$251.50	\$112.00	\$127.50	\$112.00	\$135.50	\$122.00	\$120.50	\$135.50	\$120.50	\$141.50	\$122.00	\$120.50	\$135.50	\$122.00	\$141.50	\$120.50	\$141.50
4.5	\$71.50	\$103.00	\$144.00	\$167.50	\$277.50	\$117.50	\$135.50	\$115.00	\$144.00	\$132.00	\$127.50	\$135.50	\$127.50	\$149.00	\$132.00	\$127.50	\$135.50	\$132.00	\$149.00	\$127.50	\$149.00
5.0	\$74.00	\$108.00	\$122.00	\$150.00	\$285.50	\$122.00	\$141.50	\$120.00	\$152.50	\$137.50	\$130.50	\$141.50	\$130.50								

EXHIBIT B

Laura Each Nguyen

From: Andy Sun [andy.sun@mail.tricor.com]
Sent: Friday, May 16, 2008 3:56 PM
To: Laura Each Nguyen
Subject: FW: Outstanding invoices

FYI

From: Ciro Anzivino (DHL) [mailto:Ciro.Anzivino@dhl.com]
Sent: Thursday, January 18, 2007 12:30 PM
To: Andy Sun
Cc: Abigail Sloan (DHL CA); Rick Cruz; John Marticio; Patrick LITTLE (DHL CA)
Subject: RE: Outstanding invoices

Hi Andy,

Invoice T537597 is being processed this week so you should get a cheque next week. I do not have any more invoices in my office. Can you please email or fax me the invoices that remain outstanding?

Thanks

*Ciro Anzivino
Area Finance Manager-BC
DHL Express
P 604-665-2445
F 604-665-4638*

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Thursday, January 18, 2007 3:09 PM
To: Ciro Anzivino (DHL)
Cc: Abigail Sloan (DHL CA); Rick Cruz; John Marticio
Subject: RE: Outstanding invoices
Importance: High

Hi Ciro,

I need to get payment status on the invoices listed below by tomorrow! If not, we will have to suspend all services and won't process any payments for DHL.
Please let me know at your earliest convenience.

Thanks.

-----Original Message-----

From: Andy Sun
Sent: Tuesday, January 09, 2007 11:44 AM
To: Ciro Anzivino (DHL) (E-mail)
Subject: RE: Outstanding invoices
Importance: High

Hi Ciro,

What is the payment status on these invoices?

T537597

Thanks.
Andy

-----Original Message-----

From: Abigail Sloan (DHL CA) [mailto:Abigail.Sloan@dhl.com]
Sent: Friday, December 22, 2006 1:41 PM
To: Andy Sun
Subject: FW: Outstanding invoices

This means you're going to pay me by the 28th right?
Have a merry Christmas to you and your family.

Abigail Sloan

Collections Supervisor - Brampton ON
"Working to servc you better"

DHL Express
Phone: 905-452-5123
Fax: 905-452-5894
Email: Abigail.Sloan@DHL.com
Website: www.DHL.ca

From: Ciro Anzivino (DHL)
Sent: Friday, December 22, 2006 4:09 PM
To: Abigail Sloan (DHL CA)
Cc: Patrick LITTLE (DHL CA); Lori Kelly (DHL CA); Cassandra Dowell (DHL CA)
Subject: RE: Outstanding invoices

Hi Abigail,

I will send them to Patrick for his approval and they will be paid asap.

Thanks

Ciro Anzivino
Area Finance Manager-BC
DHL Express
P 604-665-2445
F 604-665-4638

From: Abigail Sloan (DHL CA)
Sent: Friday, December 22, 2006 3:18 PM
To: Ciro Anzivino (DHL)
Cc: Patrick LITTLE (DHL CA); Lori Kelly (DHL CA); Cassandra Dowell (DHL CA)
Subject: FW: Outstanding invoices

Hello Ciro,

Would you please see the reason for non-payment to this vendor? Here are the invoices. He is withholding payment as we have not paid his invoices. There is over \$3000 in the over 90.

Please make this account a priority.

Thank you,

Abigail Sloan

Collections Supervisor - Brampton ON
"Working to serve you better"

DHL Express
Phone: 905-452-5123
Fax: 905-452-5894
Email: Abigail.Sloan@DHL.com
Website: www.DHL.ca

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Friday, December 22, 2006 3:09 PM
To: Abigail Sloan (DHL CA)
Subject: Outstanding invoices

Hi Abigail,

Attached please find outstanding invoice #T537597, T538434, T540005 and T540748. Please forward them to AP for payment.
Also, can you please get me a contact there to avoid any payment delays in the future.
Please let me know if you have any questions.

Thanks for all your help and Happy Holidays!

Andy Sun
Accounting Manager
Tricor America, Inc.
tel 650-877-3650 x341
fax 650-583-3197

<<[t537597.pdf](#)>> <<[t538434.pdf](#)>> <<[t540005.pdf](#)>> <<[t540748.pdf](#)>>

EXHIBIT C

Laura Each Nguyen

From: Andy Sun [andy.sun@mail.tricor.com]
Sent: Friday, May 16, 2008 3:52 PM
To: Laura Each Nguyen
Subject: FW: Outstanding invoices

FYI

From: Ciro Anzivino (DHL) [mailto:Ciro.Anzivino@dhl.com]
Sent: Wednesday, March 21, 2007 12:19 PM
To: Andy Sun; Patrick LITTLE (DHL CA)
Subject: RE: Outstanding invoices

Andy

It should be in US\$. Also a cheque was mailed out for the other invoice this week.

Ciro

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Wednesday, March 21, 2007 12:11 PM
To: Ciro Anzivino (DHL); Patrick LITTLE (DHL CA)
Subject: RE: Outstanding invoices

Hi Ciro,

Can you please confirm that the \$41,226.32 is in US \$ or Canada \$.

Thanks.

From: Ciro Anzivino (DHL) [mailto:Ciro.Anzivino@dhl.com]
Sent: Wednesday, March 14, 2007 10:18 AM
To: Patrick LITTLE (DHL CA); Andy Sun
Subject: RE: Outstanding invoices

Andy,

541565 has been paid with a date cheque date of Mar 9, 2007 for \$41,226.32. I have not seen 542301.

Ciro Anzivino
Area Finance Manager-BC
DHL Express
P 604-665-2445
F 604-665-4638

From: Patrick LITTLE (DHL CA)
Sent: Wednesday, March 14, 2007 10:01 AM
To: Andy Sun; Ciro Anzivino (DHL)
Subject: RE: Outstanding invoices

Ciro

I know I have signed them off and forwarded.

Patrick Little

General Manager - YVR
Richmond BC, Canada
604-665-6504

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Wednesday, March 14, 2007 9:55 AM
To: Patrick LITTLE (DHL CA); Ciro Anzivino (DHL)
Subject: RE: Outstanding invoices
Importance: High

Hi Patrick, Ciro,

I would appreciated if someone can get back to me with a payment status.

Thanks.

From: Andy Sun
Sent: Friday, March 09, 2007 11:58 AM
To: 'Patrick LITTLE (DHL CA)'; Ciro Anzivino (DHL)
Subject: RE: Outstanding invoices
Importance: High

Hi Patrick, Ciro,

Do you have any payment status for me on invoice# T541565 and T542301.

Thanks.

From: Patrick LITTLE (DHL CA) [mailto:patrick.little@dhl.com]
Sent: Wednesday, February 28, 2007 9:11 AM
To: Andy Sun; Ciro Anzivino (DHL)
Cc: John Marticio; Rick Cruz
Subject: RE: Outstanding invoices

Andy

Neither I nor Ciro have this invoice, please image and send to me. I will print and sign off ASAP.

Patrick Little

General Manager - YVR
Richmond BC, Canada
604-665-6504

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Wednesday, February 28, 2007 8:49 AM
To: Ciro Anzivino (DHL)
Cc: Patrick LITTLE (DHL CA); John Marticio; Rick Cruz
Subject: RE: Outstanding invoices
Importance: High

Still waiting to get payment status on invoice# T541565. If it doesn't come in within a week, we will have to suspend service.

Thanks.

From: Andy Sun
Sent: Friday, February 23, 2007 10:02 AM
To: 'Ciro Anzivino (DHL)'
Cc: 'Patrick LITTLE (DHL CA)'
Subject: RE: Outstanding invoices

Hi Ciro,

Can I please get payment status on invoice #T541565.

Thanks.

From: Andy Sun
Sent: Tuesday, February 06, 2007 5:04 PM
To: 'Ciro Anzivino (DHL)'
Cc: 'Patrick LITTLE (DHL CA)'
Subject: RE: Outstanding invoices

Hi Ciro,

Just wanted to thank you for getting those two checks out to us.

In case you don't have them, attached please find invoice# T541565 and T542301 dated 1/1/07 and 2/1/07. Please let me know if we have the correct mailing address.

Thank you.

-----Original Message-----

From: Ciro Anzivino (DHL) [mailto:Ciro.Anzivino@dhl.com]
Sent: Friday, February 02, 2007 7:49 AM
To: Andy Sun
Cc: Patrick LITTLE (DHL CA)
Subject: RE: Outstanding invoices

Andy,

Cheque 201988 was cut on Jan 19,2007 for \$1,953.75
Cheque 201991 was cut on Jan 26,2007 for \$4,780.00

They have both been mailed out to you at PO Box 8100 SFIA, San Francisco, CA 94128

All the invoices should be sent to Patrick Little, General Manager of the YVR facility. Once he signs off on the invoice, it is sent to Finance in Vancouver. We code and verify the invoice. It is then sent to Toronto for payment. We do not hold any invoices in Finance. If there are any delays, please check with Patrick. Let me know if there are any future delays with payments.

Thanks

*Ciro Anzivino
Area Finance Manager-BC*

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Thursday, February 01, 2007 7:35 PM
To: Ciro Anzivino (DHL)
Cc: Rick Cruz; John Marticio
Subject: RE: Outstanding invoices
Importance: High

Hi Ciro,

We still have not received any payment. I'm sorry if payment doesn't come in by next Tuesday the 6th of February, we will suspend all services until all outstanding invoices are paid. If you wish to overnight a check please send it to my attention at:

717 Airport Blvd.
So. San Francisco, CA 94080.

Thanks.

-----Original Message-----

From: Ciro Anzivino (DHL) [mailto:Ciro.Anzivino@dhl.com]
Sent: Thursday, January 18, 2007 12:30 PM
To: Andy Sun
Cc: Abigail Sloan (DHL CA); Rick Cruz; John Marticio; Patrick LITTLE (DHL CA)
Subject: RE: Outstanding invoices

Hi Andy,

Invoice T537597 is being processed this week so you should get a cheque next week. I do not have any more invoices in my office. Can you please email or fax me the invoices that remain outstanding?

Thanks

*Ciro Anzivino
Area Finance Manager-BC
DHL Express
P 604-665-2445
F 604-665-4638*

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Thursday, January 18, 2007 3:09 PM
To: Ciro Anzivino (DHL)
Cc: Abigail Sloan (DHL CA); Rick Cruz; John Marticio
Subject: RE: Outstanding invoices
Importance: High

Hi Ciro,

I need to get payment status on the invoices listed below by tomorrow! If not, we will have to suspend all services and won't process any payments for DHL.
Please let me know at your earliest convenience.

Thanks.

-----Original Message-----

From: Andy Sun
Sent: Tuesday, January 09, 2007 11:44 AM
To: Ciro Anzivino (DHL) (E-mail)
Subject: RE: Outstanding invoices
Importance: High

Hi Ciro,

What is the payment status on these invoices?

T537597
T538434
T540005
T540748

Thanks.
Andy

-----Original Message-----

From: Abigail Sloan (DHL CA) [mailto:Abigail.Sloan@dhl.com]
Sent: Friday, December 22, 2006 1:41 PM
To: Andy Sun
Subject: FW: Outstanding invoices

This means you're going to pay me by the 28th right?
Have a merry Christmas to you and your family.

Abigail Sloan

Collections Supervisor - Brampton ON
"Working to serve you better"

DHL Express
Phone: 905-452-5123
Fax: 905-452-5894
Email: Abigail.Sloan@DHL.com
Website: www.DHL.ca

From: Ciro Anzivino (DHL)
Sent: Friday, December 22, 2006 4:09 PM
To: Abigail Sloan (DHL CA)
Cc: Patrick LITTLE (DHL CA); Lori Kelly (DHL CA); Cassandra Dowell (DHL CA)
Subject: RE: Outstanding invoices

Hi Abigail,

I will send them to Patrick for his approval and they will be paid asap.

Thanks

Ciro Anzivino
Area Finance Manager-BC
DHL Express

From: Abigail Sloan (DHL CA)
Sent: Friday, December 22, 2006 3:18 PM
To: Ciro Anzivino (DHL)
Cc: Patrick LITTLE (DHL CA); Lori Kelly (DHL CA); Cassandra Dowell (DHL CA)
Subject: FW: Outstanding invoices

Hello Ciro,
Would you please see the reason for non-payment to this vendor? Here are the invoices. He is withholding payment as we have not paid his invoices. There is over \$3000 in the over 90.

Please make this account a priority.

Thank you,

Abigail Sloan

Collections Supervisor - Brampton ON
"Working to serve you better"

DHL Express
Phone: 905-452-5123
Fax: 905-452-5894
Email: Abigail.Sloan@DHL.com
Website: www.DHL.ca

From: Andy Sun [mailto:andy.sun@mail.tricor.com]
Sent: Friday, December 22, 2006 3:09 PM
To: Abigail Sloan (DHL CA)
Subject: Outstanding invoices

Hi Abigail,

Attached please find outstanding invoice #T537597, T538434, T540005 and T540748.
Please forward them to AP for payment.
Also, can you please get me a contact there to avoid any payment delays in the future.
Please let me know if you have any questions.

Thanks for all your help and Happy Holidays!

Andy Sun
Accounting Manager
Tricor America, Inc.
tel 650-877-3650 x341
fax 650-583-3197

<<t537597.pdf>> <<t538434.pdf>> <<t540005.pdf>> <<t540748.pdf>>

1
2
3 PROOF OF SERVICE BY MAIL
4

I, Laura Each Ngueyn, declare as follows:

I am over the age of 18 years, and not a party to or interested in the within entitled action.
I am a principal at the Law Offices of Laura D. Each and my business address is 5776 Lindero
Canyon Road, D-233, Westlake Village, CA 91362.

On May 19, 2008, I served by mail the following documents:

9
10 DECLARTION OF ANDY SUN IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
11

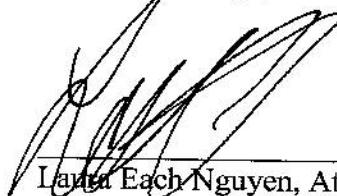
12 I enclosed a true and correct copy of said document(s), in an envelope via United States
Mail, addressed as follows:

13 Carrie M. Dupic
14 Robinson & Wood, Inc.
15 227 North First Street
San Jose, CA 95113

16 I am readily familiar with my firm's practice for collection and processing of
17 correspondence for mailing with the United States Postal Service. The firm's practice is to
18 deposit mail with the United States Postal Service in Westlake Village, California, on the same
19 day in the ordinary course of business. I sealed said envelope and placed it for collection and
20 mailing on the aforementioned date, following ordinary business practice.

21 I declare under penalty of perjury under the laws of the State of California, that the
22 foregoing is true and correct.

23 Executed on May 19, 2008 in Westlake Village, California

24
25
26 
27 Laura Each Ngueyn, Attorney at Law
28